IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18020 of 2004

Between:

1 Danka Muthamma, W/o.Roshaiah,
R/o.Kummara Gunta Village, Venkatagiri Mandal, Nellore Dist.
2 A.Rathnamma, W/o.Ramesh,
R/o.Kummara Gunta Village, Venkatagiri Mandal, Nellore Dist.

..... PETITIONERS

AND

1 The M.R.O.,Venkatagiri, Nellore Dist.
2 The R.D.O., Guduru, Nellore Dist.
3 The District Collector, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus; i) declaring the action of the Respondent authorities in trying to demolish the houses of the petitioners in their plots admeasuring Ac.0.02 cents and Ac.0.02 cents in Sy.Nos. 208/3 & 178 of Kummara Gunta Village, Venkatagiri Mandal, Nellore District, as arbitrary, illegal, violative of Article 14, 21 & 300A of Constitution of India and consequently direct the respondent authorities not to demolish the houses of the petitioners in plots admeasuring Ac.0.02 cents and Ac.0.02 cents respectively in Sy.Nos.208/3 & 178 of Kummara Gunta village, Venkatagiri Mandal, Nellore District.

Counsel for the Petitioners: MR.A.SUDERSHAN REDDY

Counsel for the Respondents1 to 3 : GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners have filed this writ petition only on mere apprehension that the respondents are resorting to cancel the possession certificates issued in their favour by the Mandal Revenue Officer, and that they will be dispossessed from the site, since they were asked to vacate the houses by 07.10.2004.

Inasmuch as no cause of action arises for consideration, the writ petition cannot be entertained on mere apprehension, and the same is accordingly dismissed. However, it is made clear that once the possession certificate is granted, the respondents are bound to follow the due procedure, and put the petitioners, on notice, before cancelling such certificates, already issued. There shall be no order as to costs.

_____

06-10-2004

ts

To

1 The M.R.O.,Venkatagiri, Nellore Dist.
2 The R.D.O., Guduru, Nellore Dist.
3 The District Collector, Nellore District.

4. 2CCs to G.P. for Revenue, High Court buildings, Hyderabad.(OUT).

5. 2CD copies